

KANSAS APPROVES DECREE UPHOLDING RIGHT TO A JOB

Principles Enunciated by New Industrial Court Seen as Protection Alike to Essential Industries and Labor.

By HENRY J. ALLEN,
Governor of Kansas.

Special Dispatch to The New York Herald Tribune, Dec. 23.—Judge Huggins' decision in the flour mills cases has met with general satisfaction. The question raised was whether the millers were reducing production for unlawful purposes. The millers appeared without counsel, submitted their books and accounts and gave to the court all the testimony required.

The opinion thoroughly discusses the features of the industrial law affecting this industry. No general regulatory power over the milling industry is given by the statute.

Stating it briefly, the purpose of the Legislature was to invest this court with authority to take over and operate such businesses only in case of great public necessity. No such necessity was shown in the evidence. There was an abundance of flour in all parts of the State and the price is declining, while the mills are running on a 60 per cent. capacity twenty-four hour basis.

The court holds that this is a reasonable

able continuity and efficiency under present conditions.

Rights of labor are recognized in that the mills should pay sufficient wages to skilled and faithful employees during periods of reduced production to enable them to support their families. The court points out also the difference in the application of the act to capital and labor, saying:

"Capital is a commodity, labor is not. Capital invested in the essential industries must be compelled to operate to meet public necessity, while the laborer has the right to quit his employment at any time, but capital must be assured of a return in such cases."

Neither capital nor labor may conspire to reduce a production of the necessities of life for the purpose of bringing economic pressure.

The application of the principles announced in this opinion, if applied nationally, would give adequate protection to all legitimate industries and would at the same time safeguard the essential industries. It would relieve the public of the danger by which it is always threatened as the result of industrial warfare and would stabilize markets and greatly reduce profiteering.

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"Has the Senator been able to reconcile the principle of common honesty," asked Senator Pomerene, "with the conduct pursued by a man representing the United States Government who sells coal from his own mine at \$2.50 a ton and sells that of some one else to the Government at \$11 a ton, receiving a commission of fifty cents a ton on the transaction?"

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